IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4005 OF 2006.

M/s.Incorporated Daub Verhoeven Ltd.
and others. ... Applicants.

Versus.

Abdul Rashid Adam & another. ... Respondents.

Shri N.K.Thakore with Shri Prakash Naik for the Applicants.

Shri D.P.Adsule, A.P.P. for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 16th November, 2006.

P.C.:

1. Prayer (a) in this Application filed under section 482 of the Code of Criminal Procedure, 1973 reads thus:

> (a) That the learned Magistrate be directed to dispose of the case in light of directions of this Honourable Court in aforesaid Judgment of K.S.L.Industries reported in 2005 All MR Criminal 1105, and accept the payment of Rs.50,000/- and dispose of the case by exercising the power under section 258 of the Code of Criminal Procedure, 1973.

The said prayer cannot be obviously granted at this stage.

2. In paragraph 5 of the Application it is stated

that an Application was made by the Applicant on 9th October 2006 before the learned trial Judge seeking permission to deposit of a sum of Rs.50,000/- and the said application is merely filed by the learned trial Judge without passing any order thereon. The said statement made in paragraph 5 of the Application is accepted.

3. The learned trial Judge was expected to decide the said Application dated 9th October 2006 after giving an opportunity to the original Complainant to file reply to the said Application. However, that is not done.

4. Hence the Application is disposed of by the following order:

(i) The learned trial Judge will decide the Application dated 9.10.2006 (Exh.A to this Application) in accordance with law. Before deciding the Application, the learned trial Judge will give opportunity to the Complainant to file a reply. The Application will be disposed of after hearing the complainant.

(ii) The prayer (a) is rejected.

(ii) All contentions on merits are kept open.

Judge.